

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

SHERIE SMITH,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 05-0210-P-M
)	
UNUM LIFE INSURANCE COMPANY OF)	
AMERICA; UNUM PROVIDENT)	
CORPORATION; UNION PLANTERS)	
CORPORATION,)	
)	
Defendants.)	

ORDER ADOPTING THE REPORT
AND RECOMMENDATION OF THE MAGISTRATE JUDGE

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections raised, the Report and Recommendation of the Magistrate Judge made pursuant to 28 U.S.C. § 636(b)(1)(B) and dated June 9, 2005 (doc.14), is hereby ADOPTED as the opinion of this court.

Accordingly, it is ORDERED that defendant UNUM Provident's Motion to Dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure be and is hereby DENIED. This action will proceed against all named defendants.

DONE this 14th day of July, 2005.

S/Virgil Pittman
SENIOR UNITED STATES DISTRICT JUDGE